

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
BENTON DIVISION**

LUISA R. VASQUEZ MIRANDA &,)
JUAN C. SANCHEZ)
Plaintiffs,) CASE NO.
vs.)
TERRAN C. BETHUNE) JURY TRIAL DEMANDED
& AUTO DRIVEAWAY FRANCHISE)
SYSTEMS, LLC,)

Defendants.

COMPLAINT

NOW COME the Plaintiffs, Luisa R. Vasquez Miranda and Juan C. Sanchez, by and through their attorneys, and sue the Defendants, Terran C. Bethune and Auto Driveaway Franchise Systems, LLC, as follows:

JURISDICTION

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 (diversity of citizenship jurisdiction) as the parties are citizens of different states and the amount in controversy well exceeds \$75,000.00.

PARTIES AND FACTS

2. Plaintiff Luisa R. Vasquez Miranda was, at all relevant times, a resident and citizen of the City of Memphis, County of Shelby, State of Tennessee. At all relevant times herein, Plaintiff Luisa R. Vasquez Miranda was married to Plaintiff Juan C. Sanchez.

3. Plaintiff Juan C. Sanchez was, at all relevant times, a resident and citizen of the City of Memphis, County of Shelby, State of Tennessee. At all relevant times herein, Plaintiff Juan C. Sanchez was married to Plaintiff Luisa R. Vasquez Miranda.

4. Defendant Terran C. Bethune was, at all relevant times, a resident and citizen of the City of Saint Cloud, County of Osceola, State of Florida

5. Defendant Auto Driveaway Franchise Systems, LLC was, at all relevant times, a resident and citizen of the State of Illinois.

6. That on or about July 3, 2021, at approximately 4:45 a.m., U.S. Interstate 57 was a public road running in a generally north and south direction in the County of Jefferson, State of Illinois.

7. That at the time and place aforementioned, Plaintiff Luisa R. Vasquez Miranda was a passenger in a motor vehicle (2016 Ford Explorer) being driven by her husband Plaintiff Juan C. Sanchez traveling in a northern direction on Interstate 57.

8. That at the time and place aforementioned, the Defendant Terran C. Bethune was operating a motor vehicle (2020 Chevy Silverado), which was owned or leased, upon information and belief, by his employer Defendant Auto Driveaway Franchise Systems, LLC, traveling a northern direction and, suddenly and without warning, failed to stop his vehicle causing a rear end collision with the vehicle within which Plaintiffs were traveling.

9. Plaintiff Luisa R. Vasquez Miranda suffered serious physical injuries, as well as psychological and emotional injuries as a result of the collision.

10. Plaintiff Juan C. Sanchez suffered injuries and damage due to his wife's physical and psychological / emotional injuries.

11. Additional supporting facts may be stated as part of the following claims herein.

COUNT I
Negligence

12. Plaintiffs re-allege and incorporates any or all other paragraphs as though fully restated at length.

13. That at and just prior to the time of said impact, Defendant Terran C. Bethune, owed a duty of care to Plaintiffs and all other motorists under Illinois law, and he breached that duty with respect to this incident in at least the following respects:

- a. Failure to maintain a proper lookout and driving over the speed limit at an unsafe speed;
- b. Failure to properly manage and control the vehicle and inattentive driving;
- c. Carelessly and negligently failed to stop or change the course of an automobile to avoid a collision when a collision became imminent;
- d. Was otherwise negligent.

14. That as a direct and proximate result of the negligence of Defendant Terran C. Bethune, Plaintiff Luisa R. Vasquez Miranda sustained serious bodily injuries, as well as economic and non-economic damages.

DAMAGES

15. Plaintiffs re-allege and incorporate any or all other paragraphs as though fully restated at length.

16. As a direct and proximate result of this incident, and as caused by the negligence of Defendants, Plaintiff Luisa R. Vasquez Miranda sustained injuries, including but not limited to injuries to her right foot, as well as other damages. Since the time of this incident, the Plaintiff's symptoms have continued resulting in Plaintiff's suffering permanent and ongoing injuries.

17. Plaintiff Luisa R. Vasquez Miranda, as a direct and proximate result of the foregoing, was caused to suffer the following damages all to her great detriment:

- e. Past and future health care provider and medication expenses;
- f. Past and future loss of enjoyment of life;

- g. Permanent impairment and disfigurement;
- h. Past and future pain, suffering and disability; and,
- i. Severe emotional and mental distress.

18. As a direct result of the injuries suffered and sustained by Plaintiff Luisa R. Vasquez Miranda, Plaintiff Juan C. Sanchez has sustained a loss of consortium, which includes the loss of the support, society, companionship, and sexual relationship that a husband has been deprived of to date, and which is reasonably certain to be deprived of in the future, due to the claimed injuries of Plaintiff Luisa R. Vasquez Miranda.

COUNT II

Vicarious Liability of Defendant Auto Driveaway Franchise Systems, LLC

19. Plaintiff re-alleges and incorporates any or all other paragraphs as though fully restated at length.

20. At all times mentioned herein, Defendant Auto Driveaway Franchise Systems, LLC employed Defendant Terran C. Bethune and authorized Defendant Bethune to drive the 2020 Chevy Silverado truck that he was driving at the time of the collision. Specifically, Defendant Bethune was operating the vehicle in the course and scope of his employment with Defendant Auto Driveaway Franchise Systems, LLC at the time of the crash described above. Therefore, Defendant Auto Driveaway Franchise Systems, LLC is liable, under Illinois law, for the negligent acts, errors, and omissions of Defendant Terran C. Bethune.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demands judgment against the Defendants for a monetary award in excess of \$1,350,000.00 and all costs of this suit, along with all such other general and equitable relief available to the Plaintiffs.

DEMAND FOR JURY TRIAL

Plaintiffs hereby request a trial by jury of all issues triable by jury.

Dated: April 15, 2022

Respectfully submitted,

/s/ William B. Ryan
William B. Ryan – TN Bar #20269
(Generally admitted in the S.D. of Illinois)
Bryce W. Ashby – TN Bar #026179
(Generally admitted in the S.D. of Illinois)
Donati Law, PLLC
1545 Union Avenue
Memphis, TN 38104
Phone: (901) 278-1004
Fax: (901) 278-3111
Email: billy@donatilaw.com
bryce@donatilaw.com

&

Eric M. Terry – IL Bar #6282169
TorHoerman Law LLC
210 S. Main Street
Edwardsville, IL 62025
Phone: (618) 656-4400
Fax: (618) 656-4401
Email: eric@thlawyer.com

Attorneys for Plaintiffs